

42. THE 1413. e. 12
PROCEEDINGS
OF THE
Lords and Commons
In the Year 1628.

AGAINST
Roger Manwaring

DOCTOR in Divinity,

[The **Sacheverell** of those Days]

For Two Seditious High-flying SERMONS,
intituled, *Religion and Allegiance.*

L O N D O N,

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To the Reader.

I Here present you with the Proceedings of the Parliament in 1628. against Roger Manwaring Doctor in Divinity, for his seditious High-flying Sermons; in which he asserted, That the King's Will in imposing Taxes without Consent of Parliament, does oblige the Subjects Conscience upon pain of eternal Damnation; and several other things as derogatory to the Rights and Libertys of the Subject.

If therefore our present Parliament should think fit to proceed against Dr. Sacheverell's seditious and inflaming Sermon, they would not be without a Precedent to justify their Proceedings. To be sure the Occasion given is not less; for Dr. Sacheverell's is at least equally seditious, in asserting the utter Illegality of Resistance upon any pretence whatsoever, whereby the late Revolution is condemn'd, the Queen's Title and the Protestant Succession, as founded on it, are subverted, and all our Laws and Libertys at the Will of the Crown; besides several other Circumstances, which carry the Venom of it beyond Dr. Manwaring's, viz. the presuming to publish such seditious Stuff to the Nation, tho the Court of Aldermen had express'd their Resentment against it; whereas Manwaring's Sermons were printed by the King's Command, &c.



44. 11. 26. 159.

The

the Proceedings of the Lords and Commons in 1628. against Roger Manwaring, Doctor in Divinity, for two Seditious High-flying Sermons, &c.

THE Passages in Dr. *Manwaring's* Sermons, which were censur'd by Parliament, are as follows :

“ That the King is not bound to observe the Laws of the Realm concerning the Subjects Rights and Liberties ; but that his Royal Will and Command in imposing Loans and Taxes, without common Consent in Parliament, doth oblige the Subject's Conscience upon pain of eternal Damnation. That those who refus'd to pay the Loan, offended against the Law of God, and the King's Supreme Authority, and became guilty of Impiety, Disloyalty, and Rebellion : And that the Authority of Parliament is not necessary for the raising of Aids and Subsidies ; and that the slow Proceedings of such great Assemblies were not fitted for the Supply of the State's urgent Necessities, but would rather produce sundry impediments to the just Designs of Princes.

Hereupon Mr. *Rouse*, a Member of the House of Commons, brought in a Charge against Dr. *Manwaring*, as follows ; which some days after was seconded with a Declaration.

Mr. Speaker,

A M to deliver from the Committee a Charge against Mr. *Manwaring*, a Preacher in Divinity ; but a Man so seditious, that he hath turn'd his Titles into Accusations : for the better they are, the worse is he that dishonours them.

Here is a great Charge that lies upon him, it is great in it self, and great because it hath many great Charges in it. *Serpens qui Serpentem devorat fit Draco* : His Charge having digested many Charges into it, becomes a Monster of Charges.

The main and great one is this Plot and Practice, to alter and subvert the Frame and Fabrick of this Estate and Commonwealth.

This is the Great One, and it hath others in it that give it more light. To this end,

“ 1. He labours to infuse into the Conscience of his Majesty, the Persuasion of a Power not bounding it self with Laws ; which King *James*, of famous Memory, calls in his Speech to the Parliament, Tyranny, yea Tyranny accompany'd with Perjury.

“ 2. He endeavours to persuade the Conscience of the Subjects, that they are bound to obey Commands illegal ; yea, he damns them for not obeying them.

“ 3. He robs the Subjects of the Propriety of their Goods.

“ 4. He brands them that will not lose this Propriety with most scandalous Speeches and odious Titles, to make them both hateful to Prince and People ; so to set a division between the Head and the Members, and between the Members themselves.

“ 5. To the same end, not much unlike to *Faux* and his Fellows, he seeks to blow up Parliaments and Parliamentary Powers.

The fifth being duly view'd, will appear to be so many Charges, and they make up all the great and main Charge, a malicious Plot to alter and subvert the Frame and Government of this State and Commonwealth.

And now tho you may be sure, that Mr. *Maitwaring* leaves us no Propriety in our Goods, yet he hath an absolute Propriety in this Charge, here himself making up his own Charge. [*Here he read several Passages out of his Book, and then proceeded and said,*] You have heard his Charge made up by his own words, and withal I doubt not but you seem to hear the Voice of that wicked one (*Quid dabitis*) What will you give me, and I will betray this State, Kingdom, and Commonwealth ?

But there are two Observations, (I might add a third which is like unto a threefold Cord, which cannot easily be broken)

oken) will draw the Charge more violently upon him.

The first is of the Time when this Doctrine of Destruction was set forth : It was preach'd in the heart of the Loan, and it was printed in the beginning of that Term which ended in a *Remittitur*. So that you might guess there might be a double Plot, by the Law and Conscience, to set on fire the Frame and Estate of this Commonwealth : and one of these intail'd Foxes was Mr. *Manwaring*.

Another note may be taken of the Time, that is the Unreasonableness of it ; for this Doctrine of the Loan (in case of necessity) was the year after an Assent in Parliament to four Subsidies and three Fifteens, which might serve for a sufficient stopple for the Doctor's mouth, to keep in his Doctrine of Necessity.

A second Observation may be of the Means by which he seeks to destroy this Commonwealth : His Means are Divinity, yea, by his Divinity he would destroy both King and Kingdom.

The King : For there can be no greater mischief to a Prince, than to put the opinion of Deity into his Ears ; for if from his Ears it should have passed to his Heart, it had been mortal : you know how *Herod* perish'd. Now this Man gives a participation of Divine Omnipotence to Kings ; and tho a part may seem to qualify, yet all doth seem again to fill up that Qualification, and very dangerously, if we remember that God saith of himself, *I am a jealous God*.

He goes about to destroy the Kingdom and Commonwealth by his Divinity : but do we find in Scripture such a destroying Divinity ? Surely I find there, that *God is a God of Order, and not of Confusion* ; and that *the Son of God came to save, and not to destroy*. By which it seems he hath not his Divinity from God, nor from the Son of God : And that we may be sure he went to Hell for Divinity, he names sundry Jesuits and Fryars, with whom he consulted and traded for his Divinity. But not to bely Hell it self, the Jesuits are honestier than he ; for if he had not brought more Hell unto them than he found with them, he had not found this Divinity in them which he hath brought forth : yea, in his Quotations he hath us'd those Shifts and Falshoods for which Boys are to be whipt in Schools, and yet by them he thinks to carry the Cause of a Kingdom.

But for a conclusion, to give the true Character of this Man whom I never saw, I will shew it you by one whom I know to be contrary to him. *Samuel* we know all to be a true Prophet ; now we read of *Samuel*, that he writ the *Law of the Kingdom in a Book*, and laid it up before the Lord. And this he did, as one of *Mr. Manwaring's* own Authors affirms, that the King may know what to command, and the People what to obey : But *Mr. Manwaring* finding the Law of this Kingdom written in Books, tears it in pieces, and that in the presence of the Lord in a Pulpit, that the King may not know what to command, nor the People what to obey.

Thus *Mr. Manwaring* being contrary to a true Prophet, must needs be a false one ; and the Judgment of a false Prophet belongs to him.

I have shew'd you an evil Tree, that bringeth forth evil Fruit ; and now it rests with you to determine whether the following Sentence shall follow, *Cut it down, and cast it into the fire.*

The Declaration of the Commons against Dr. Manwaring, Clerk, and Doctor in Divinity.

FOR the more effectual prevention of the apparent Ruin and Destruction of this Kingdom, which must necessarily ensue, if the good and fundamental Laws and Customs therein establish'd should be brought into contempt and violated, and that Form of Government thereby alter'd, by which it hath been so long maintain'd in Peace and Happiness, and to the Honour of our Sovereign Lord the King, and for the preservation of his Crown and Dignity : The Commons in this present Parliament assembled, do by this their Bill shew and declare against *Roger Manwaring*, Clerk, Doctor in Divinity, That whereas by the Laws and Statutes of this Realm the free Subjects of *England* do undoubtedly inherit this Right and Liberty, not to be compell'd to contribute any Tax, Tollage, Aid, or to make any Loans not set or impos'd by common Consent, by Act of Parliament. And divers of his Majesty's loving Subjects relying upon the said Laws and Customs, did in all humility refuse

refuse to lend such Sums of Monys, without Authority of Parliament, as were lately requir'd of them.

Nevertheless he the said *Roger Manwaring*, in contempt, and contrary to the Laws of this Realm, hath lately preach'd, in his Majesty's Presence, two several Sermons; that is to say, the fourth day of *July* last one of the said Sermons, and upon the twenty ninth day of the same month the other of the said Sermons: both which Sermons he hath since publish'd in Print, in a Book intituled, *Religion and Allegiance*; and with a wicked and malicious Intention to seduce and misguide the Conscience of the King's most excellent Majesty, touching the Observation of the Laws and Customs of this Kingdom, and of the Rights and Liberties of the Subjects, to incense his Royal Displeasure against his good Subjects so refusing, to scandalize, subvert, and impeach the good Laws and Government of this Realm, and the Authority of the High Court of Parliament, to alienate his Royal Heart from his People, and to cause Jealousies, Sedition and Division in the Kingdom, he the said *Roger Manwaring* doth in the said Sermons and Book persuade the King's most excellent Majesty,

First, That his Majesty is not bound to keep and observe the good Laws and Customs of this Realm, concerning the Rights and Liberties of the Subjects aforementioned: And that his Royal Will and Command in imposing Loans, Taxes, and other Aids upon his People, without common Consent in Parliament, doth so far bind the Consciences of the Subjects of this Kingdom, that they cannot refuse the same without peril of eternal Damnation.

Secondly, That those of his Majesty's loving Subjects, which refus'd the Loan aforementioned, in such manner as is before recited, did therein offend against the Law of God, against his Majesty's Supreme Authority; and by so doing became guilty of Impiety, Disloyalty, Rebellion and Disobedience, and liable to many other Taxes and Censures, which he in the several Parts of his Book doth most fallily and maliciously lay upon them.

Thirdly, That Authority of Parliaments is not necessary for raising of Aids and Subsidies; that the slow Proceeding of such Assemblies are not fit for the Supply of the urgent Necessitys of the State, but rather apt to produce

undry Impediments to the just Designs of Princes, and to give them occasion of Displeasure and Discontent.

All which the Commons are ready to prove, not only by the general Scope of the same Sermons and Book, but likewise by several Clauses, Assertions and Sentences therein contain'd; and that he the said *Roger Manwaring*, by preaching and publishing the Sermons and Book aforementioned, did most unlawfully abuse his holy Function, instituted by God in his Church for the guiding of the Consciencés of all his Servants, and chiefly of Sovereign Princes and Magistrates, and for the maintenance of the Peace and Concord betwixt all Men, especially betwixt the King and his People; and hath thereby most grievously offended against the Crown and Dignity of his Majesty, and against the Prosperity and good Government of this State and Commonwealth. And the said Commons, by Protestation saving to themselves the Liberty of exhibiting at any time hereafter, any other Occasion or Impeachment against the said *Roger Manwaring*, and also of replying to the Answer which he the said *Roger* shall make unto any of the matters contain'd in this present Bill of Complaint, and of offering further proof of the Premises, or of any of them, as the Cause, according to the course of Parliament, shall require, do pray that the said *Roger Manwaring* may be put to answer to all and every the Premises; and that such Proceeding, Examination, Trial, Judgment, and exemplary Punishment may be thereupon had and executed, as is agreeable to Law and Justice.

This Declaration, ingross'd in Parliament, being read, Mr. Pym address'd himself to the Lords in this manner.

THAT he shou'd speak to this Cause with more Confidence, because he saw nothing out of himself that might discourage him: If he consider'd the matter, the Offences were of a high nature, of easy proof; if he consider'd their Lordships, who were the Judges of their own Interest, their own Honour, the Example of their Ancestors, the Care of their Posterity, wou'd all be Advocates with him in this Cause on the behalf of the Commonwealth; if he consider'd the King our Sovereign (the pre-
tence

tence of whose Service and Prerogative might perchance be sought unto as a Defence and Shelter for this Delinquent) he cou'd not but remember that Part of his Majesty's Answer to the Petition of Right of both Houses, that he held himself bound in Conscience to preserve those Liberties, which this Man wou'd persuade him to impeach. He said further, That he cou'd not but remember his Majesty's Love to Piety and Justice, manifested upon all occasions; and he knew Love to be the Root and Spring of all other Passions and Affections. A Man therefore hates, because he sees somewhat in that which he hates contrary to that which he loves; a Man therefore is angry, because he sees somewhat in that wherewith he is angry, that gives Impediment and Interruption to the accomplishment of that which he loves.

If this be so, by the same Act of his Apprehension, by which he believes his Majesty's Love to Piety and Justice, he must needs believe his Hate and Detestation of this Man, who went about to withdraw him from the exercise of both.

Then he proceeded to that which, he said, was the Task enjoind him, to make good every Clause of that which had been read unto them: which that he might the more clearly perform, he propounded to observe that order of Parts, unto which the said Declaration was naturally dissolv'd.

1. Of the Preamble.
2. The Body of the Charge.
3. The Conclusion, or Prayer of the Commons.

The Preamble consisted altogether of recital; first, of the Inducements upon which the Commons undertook this Complaint.

The second of those Laws and Liberties, against which the Offence was committed.

The third of the Violation of those Laws, which have relation to that Offence.

From the Connexion of all those Recitals (he said) there did result three Positions, which he was to maintain as the Groundwork and Foundation of the whole Cause.

The First, That the Form of Government in any State cou'd not be alter'd, without apparent danger of Ruin to that State.

The Second, The Law of *England*, whereby the Subject was exempted from Taxes and Loans, not granted by common Consent of Parliament, was not introduc'd by any Statute, or by any Charter or Sanction of Princes, but was the antient and fundamental Law, issuing from the first Frame and Constitution of the Kingdom.

The Third, That this Liberty of the Subject is not only most convenient and profitable for the People, but most honourable, most necessary for the King; yea, in that point of Supply for which it was endeavour'd to be broken.

The Form of Government is that which doth actuate and dispose every Part and Member of a State to the common Good; and as those Parts give Strength and Ornament to the whole, so they receive from it again Strength and Protection in their several Stations and Degrees.

If this mutual Relation and Intercourse be broken, the whole Frame will quickly be dissolved, and fall in pieces; and instead of this Concord and Interchange of Support, whilst one part seeks to uphold the old Form of Government, and the other part to introduce a new, they will miserably consume and devour one another. Histories are full of the Calamities of whole States and Nations in such Cases. It is true, that time must needs bring some Alterations, and every Alteration is a Step and Degree towards a Dissolution; those things only are eternal which are constant and uniform: Therefore it is observ'd by the best Writers upon this Subject, that those Commonwealths have been most durable and perpetual, which have often reform'd and recompos'd themselves according to their first Institution and Ordinance; for by this means they repair the Breaches, and counterwork the ordinary and natural effects of Time.

The second Question is as manifest, there are plain Footsteps of those Laws in the Government of the *Saxons*; they were of that Vigour and Force, as to overlive the Conquest, nay to give Bounds and Limits to the Conqueror, whose Victory gave him first hope: but the Assurance and Possession of the Crown he obtain'd by Composition, in which he bound himself to observe these, and the other antient Laws and Liberties of the Kingdom, which afterwards he likewise confirm'd by Oath at his Coronation: from him the said Obligation descended to his Successors.

cessors. It is true, they have been often broken, the v have been often confirm'd by Charters of Kings, by Acts of Parliament ; but the Petitions of the Subjects, upon which those Charters and Acts were founded, were ever Petitions of Right, demanding their antient and due Liberties, not suing for any new.

To clear the third Position (he said) may seem to some Men more a Paradox, That those Liberties of the Subject shou'd be so honourable, so profitable for the King, and most necessary for the Supply of his Majesty. It hath been upon another occasion declar'd, that if those Liberties were taken away, there shou'd remain no more Industry, no more Justice, no more Courage ; who will contend, who will endanger himself for that which is not his own ?

But, he said, he wou'd not insist upon any of those Points, nor yet upon others very important ; he said, that if those Liberties were taken away, there wou'd remain no means for the Subjects, by any Act of Bounty or Benevolence, to ingratiate themselves to their Sovereign.

And he desir'd their Lordships to remember what profitable Prerogatives the Laws had appointed for the Support of Sovereignty ; as Wardships, Treasures-Trove, Felons Goods, Fines, Amercements, and other Issues of Courts, Wrecks, Escheats, and many more, too long to be enumerated ; which for the most part are now by Charters and Grants of several Princes dispers'd into the hands of private Persons : and that besides the antient Demesnes of the Crown of *England*, *William* the Conqueror did annex, for the better maintenance of his Estate, great Proportions of those Lands, which were confiscate from those *English* which persisted to withstand him ; and of these very few remain at this day in the King's Possession : And that since that time the Revenue of the Crown had been supply'd and augmented by Attainders, and other Casualties, in the Age of our Fathers, by the dissolution of Monasteries and Chantries near a third part of the whole Land being come into the King's Possession. He remembred further, that constant and profitable Grant of the Subjects, in the Act of Tunnage and Poundage : And all these, he said, were so alienated, anticipated, over-charg'd with Annuities and Assignments, that no means

means were left for the pressing and important occasions of this time, but the voluntary and free Gift of the Subjects in Parliament.

The Hearts of the People, and their Bounty in Parliament, is the only constant Treasure and Revenue of the Crown, which cannot be exhausted, alienated, anticipated, or otherwise charg'd and incumbred.

In his entrance into his second Part, he propounded these Steps, by which he meant to proceed :

1. To shew the State of the Cause, as it stood both in the Charge and in the Proof, that so their Lordships might the better compare them both together.

2. To take away the Pretensions of Mitigations and Limitations of his Opinions, which the Doctor had provided for his own Defence.

3. To observe those Circumstances of Aggravation, which might properly be annex'd to his Charge.

4. To propound some Precedents of former times, wherein, tho he cou'd not match the Offence now in question (for he thought the like before had never been committed) yet he shou'd produce such as shou'd sufficiently declare, how forward our Ancestors wou'd have been in the prosecution and condemning of such Offences, if they had been then committed.

The Offence was prescrib'd in a double manner : First, By the general Scope and Intention, and by the Matter and Particulars of the Fact, whereby that Intention was express'd.

In the Description of the Intention he observ'd six Points, every one of which was a Character of extreme Malice and Wickedness.

1. His Attempt to misguide and seduce the Conscience of the King.

2. To incense his Royal Displeasure against his Subjects.

3. To scandalize, impeach and subvert the good Laws and Government of the Kingdom, and Authority of Parliaments.

4. To avert his Majesty's Mind from calling of Parliaments.

5. To alienate his Royal Heart from his People.

6. To cause Jealousies, Sedition, and Division in the Kingdom.

Of these Particulars (he said) he wou'd forbear to speak further, till he shou'd come to those parts of the Fact, to which they were most properly to be apply'd.

The Materials of the Charge were contriv'd into three distinct Articles; the first of these comprehended two Clauses.

1. That his Majesty is not bound to keep and observe the good Laws and Customs of the Realm, concerning the Right and Liberty of the Subject to be exempted from all Loans, Taxes, and other Aids laid upon them, without common Consent in Parliament.

2. That his Majesty's Will and Command in imposing any Charges upon the Subjects without such Consent, doth so far bind them in their Consciences, that they cannot refuse the same without Peril of eternal Damnation.

Two kinds of Proofs were produc'd upon this Article.

The first was from some Assertions of the Doctor's, concerning the Power of Kings in general, but by the necessary Consequence to be apply'd to the King of *England*.

The next kind of Proof was from his Censures and Determinations upon the particular Case of the late Loan, which by necessity and parity of Reason, were likewise applicable to all cases of the like nature. And lest by frailty of Memory he might mistake the Words, or invert the Sense, he desir'd leave to resort to his Paper, wherein the places were carefully extracted out of the Book it self. And then he read each particular Clause by it self, pointing to the page for proof, which we here forbear to mention, referring the Reader to the Book it self.

Then he proceeded and said, That from this Evidence of the Fact doth issue a clear Evidence of his wicked Intention to misguide and seduce the King's Conscience, touching the Observation of the Laws and Liberties of the Kingdom, to scandalize and impeach the good Laws and Government of the Realm, and the Authority of Parliaments, which are two of those Characters of Malice which he formerly noted, and now inforc'd thus: If to give the King ill Counsel, in some one particular Action, hath heretofore been heavily punish'd in this high Court; how much more heinous must it needs be thought by ill Counsel to pervert and seduce his Majesty's Conscience, which is the Sovereign Principle of all moral Actions, from which they are to receive Warrant for their Direction before they

he acted, and Judgment for their Reformation afterwards? If *Scandalum Magnatum*, Slander and Infamy cast upon great Lords and Officers of the Kingdom, have been always most severely censur'd; how much more tender ought we to be of that Slander and Infamy, which is here cast upon the Laws and Government, from whence is deriv'd all the Honour and Reverence due to those great Lords and Magistrates?

All Men (and so the greatest and highest Magistrates) are subject to Passions and Partialities, whereby they may be transported into over-hard injurious Courses: Which Considerations may sometimes excuse, tho never justify, the railing and evil Speeches of Men, who have been so provok'd; it being a true rule, that whatsoever gives Strength and Inforcement to the Temptation in any Sin, doth necessarily imply an Abatement and Diminution of Guilt in that Sin. But to slander and disgrace the Laws and Government, is without possibility of any such excuse, it being a simple Act of a malignant Will, not induc'd nor excited by any outward Provocation: the Laws carrying an equal and constant respect to all, ought to be reverenc'd equally by all. And thus he deriv'd the Proofs and Inforcements upon the first Article of the Charge.

The second Article he said contain'd three Clauses.

1. That these Refusers had offended against the Law of God.
2. Against the Supreme Authority.
3. By so doing were become guilty of Impiety, Disloyalty, Rebellion, Disobedience, and liable to many other Taxes.

For proof of all these (he said) he needed no other Evidence than what might be easily drawn from those places which he had read already; for what Impiety can be greater, than to condemn the Law of God, and to prefer human Laws before it? What greater Disloyalty, Rebellion, and Disobedience, than to depress Supreme Authority, to tie the Hands and clip the Wings of Sovereign Princes? Let he desir'd their Lordship's Patience in hearing some few other places, wherein the Stains and Taint, which he Doctor endeavour'd to lay upon the Refusers, might appear by the Odiousness of their Comparisons, in which he both labour to rank them.

The first Comparison is with Popish Recusants; yet he makes them the worst of the two, and for the better Resemblance, gives them a new name of Temporal Recusants.

For this he alledgeth the 1st Sermon, pag. 31, 32. and part of the fifth Consideration, by which he wou'd perswade them to yield to this Loan.

Fifthly, If they wou'd consider what Advantage this their Recusancy in Temporals, gives to the common Adversary, who for Disobedience in Spirituals, have hitherto alone inherited that Name: for that which we our selves condemn in them for so doing, and profess to hate that Religion which teacheth them to do, that is, to refuse Subjection unto Princes in Spirituals; the same, if not worse, some of our side now (if ours they be) dare to practise.

We must needs be argu'd of less Conscience, and more Ingratitude, both to God and the King, if in Temporal things we obey not: They in Spirituals deny Subjection, where in they may perhaps frame unto themselves some Reasons of probability that their Offence is not so heinous. If we in Temporals shall be so refractory, what colour of Reason can we possibly find to make our defence withal, without the utter shaming of our selves, and laying a stain which cannot easily be washed out, upon that Religion which his Majesty doth so graciously maintain, and our selves profess?

The second Comparison is with *Turks* and *Jews*, in the 2d Sermon, pag. 47. What a Paradox is, &c. What a *Turk* will do for a *Christian*, and a *Christian* for a *Turk*, and a *Jew* for both, &c. the same and much less Christian Men shou'd deny to a Christian King.

The third Comparison is with *Corah*, *Dathan* and *Abiram*, *Theudas* and *Judas*, which is taken out of the 2d Sermon, pag. 49. where he labours to deprive those Refusers of all merit in the Sufferings for this Cause.

Corah, *Dathan* and *Abiram*, whom for their Murmurs God suddenly sunk into Hell-fire, might as well alledg their Sufferings had some resemblance with that of the three Children in the *Babylonian* Furnace; and *Theudas* and *Judas*, the two Incendiaries of the People, in the days of *Cesar's* Tribute, might as well pretend their Cause to be like the *Maccabees*.

Thus

Thus he ended the second Article of the Charge, upon which, he said, were imprinted other two of these six Characters of Malice, formerly vented ; that is, a wicked Intention to increase his Majesty's Displeasure against his good Subjects so refusing, and to alienate his Heart from the rest of his People : Both which were points so odious, that he needed not to add any further Inforcement or Illustration.

The third Article contain'd three Clauses.

1. That Authority of Parliament is not necessary for the raising of Aids and Subsidies.
2. That the slow Proceedings of such Assemblies, are not fit to supply the urgent Necessity of the State.
3. That Parliaments are apt to produce sundry Impediments to the just Designs of Princes, and to give them occasion of Displeasure and Discontent.

For proof of all which he alledg'd two places, containing the two first of those six Considerations, which are propounded by the Doctor to induce the Refusers to yield to the Loan, in the first Sermon, pag. 26, 27.

First, if they would please to consider, that tho such Assemblies as are the highest and greatest Representations of a Kingdom, be most sacred and honourable, and necessary also to those Ends to which they were at first instituted; yet know we must, that ordain'd they were not to this end, to contribute any Right to Kings, whereby to challenge Tributary Aids and Subsidiary Helps; but for the more equal imposing, and more easy exacting of that which unto Kings doth appertain by natural and original Law and Justice, as their proper Inheritance annex'd to their Imperial Crowns from their Birth. And therefore if by a Magistrate that is Supreme, if upon Necessity extreme and urgent, such subsidiary Helps are requir'd, a Proportion being held respectively to the Ability of the Persons charg'd, and the Summ and Quantity so requir'd surmount not too remarkably the Use and Charge for which it was levy'd; very hard would it be for any Man in the World, that should not accordingly satisfy such Demands, to defend his Conscience from that heavy Prejudice of resisting the Ordinance of God, and receiving to himself Damnation; tho every of those Circumstances be not observ'd, which by the Municipal Law is requir'd.

Secondly,

Secondly, If they would consider the Importunities that often may be urgent, and pressing Necessaries of State, that cannot stay without certain and apparent Danger, for the Motion and Revolution of so great and so vast a Body as such Assemblies are, nor yet abide their long and pausing Deliberation when they are assembled, nor stand upon the answering of those jealous and over-wary Cautions and Objections made by some, who are wedded over-much to the Love of epidemical and popular Errors, and bent to cross the most just and lawful Designs of their wise and gracious Sovereign; and that under the plausible Shews of singular Liberty and Freedom, which, if their Conscience might speak, would appear nothing more than the satisfying either of private Humours, Passions, or Purposes.

He said, he needed not draw any Arguments or Conclusions from these Places; the Substance of the Charge appear'd sufficiently in the Words themselves: and to this third Article he affix'd two other of these six Characters of Malice, That it is his wicked Intention to avert his Majesty's Mind from calling of Parliaments, and to cause Jealousies, Seditions, and Divisions in the Kingdom; which he shortly enforc'd thus: If Parliaments be taken away, Mischiefs and Disorders must needs abound, without any possibility of good Laws to reform them; Grievances will daily increase, without Opportunities or Means to redress them. And what readier way can be to Distractions betwixt the King and People, to Tumults and Distempers in the State, than this?

And so he concluded this third Article of the Charge.

The Limitations whereby the Doctor had provided to justify (or at least to excuse) himself, were propounded to be three.

1. That he did not attribute to the King any such Absolute Power as might be exercis'd at all Times, or upon all Occasions, according to his own Pleasure, but only upon Necessity, extreme and urgent.

2. That the Sum requir'd, must be proportionable to the Ability of the Party, and to the Use and Occasion.

3. That he did not say, That the Substance of the Municipal or National Laws might be omitted or neglected, but the Circumstances only.

To these were offer'd three Answers, the first general, the other two particular. The general Answer was this,

B

That

That it is all one to leave the Power absolute, and to leave the Judgment arbitrary when to execute that Power; for altho these Limitations should be admitted, yet it is left to the King alone to determine what is an urgent and pressing Necessity, what is a just Proportion, both in respect of the Ability, and of the Use and Occasion; and what shall be said to be a Circumstance, and what of the Substance of the Law: and the Subject is left without Remedy; the Legal Bounds being taken away, no private Person shall be allow'd to oppose his own particular Opinion in any of these Points to the King's Resolution. So that all these Limitations, tho specious in shew, are in effect fruitless and vain.

The first particular Answer apply'd to that Limitation of urgent Necessity, was taken from the Case of *Normandy*, as it appears in the Commentaries of *Guilme Ferme* upon the customary Laws of that Dutchy: they having been oppress'd with some Grievances, contrary to this Franchise, made their Complaint to *Lewis X.* who by his Charter, in the Year 1314. acknowledging the Right and Custom of the Country, and that they had been unjustly griev'd, did grant and provide, that from thence-forward they should be free from all Subsidies and Exactions to be impos'd by him and his Successors; yet with this Clause, *Si necessitie grand ne le requirer*: Which small Exception has devour'd all these Immunities; for tho these States meet every Year, yet they have little or no Power left, but to agree to such Levies as the King will please to make upon them.

The second particular Answer was apply'd to the Limitation and Diminution of this Power, which may be pretended to be made by this word *Circumstance*, as if he did acknowledge the King to be the Substance of the Law, and free only in regard of the Manner; whereas if the places be observ'd, it will appear, that he intends by that word, *The Assembly of Parliaments, and Assent of the People*, such Contribution, which is the very Substance of the Right and Liberty now in question.

The Circumstances of Aggravation observ'd to be annex'd to this Cause, were these.

The first from the Place where these Sermons were preach'd; the Court, the King's own Family, where such Doctrine was before so well believ'd, that no Man needed to be converted. Of this there could be no end, but either

ther Simoniacal, by Flattery and Soothing to make way for his own Preferment, or else extreme malicious, to add new Afflictions to those who lay under his Majesty's Wrath, disgrac'd and imprison'd, and to enlarge the Wound which had been given to the Laws and Liberties of the Kingdom.

The second was from the Consideration of his Holy Function: He is a Preacher of God's Word; and yet he had endeavour'd to make that which was the only Rule of Justice and Goodness, to be the Warrant for Violence and Oppression. He is a Messenger of Peace, but he had endeavour'd to sow Strife and Dissension, not only amongst private Persons, but even betwixt the King and his People, to the Disturbance and Danger of the whole State: He is a Spiritual Father, but like that evil Father in the Gospel, he hath given his Children Stones instead of Bread; instead of Flesh he hath given them Scorpions. Lastly, He is a Minister of the Church of *England*, but he hath acted the part of a *Romish* Jesuit; they labour our Destruction, by dissolving the Oath of Allegiance taken by the People; he doth the same Work, by dissolving the Oath of Protection and Justice taken by the King.

A third point of Aggravation was drawn from the Quality of these Authors, upon whose Authority he doth principally rely, being for the most part Friars and Jesuits; and from his Fraud and Shifting, in citing those Authors to Purposes quite different from their own meanings.

Touching which it was observ'd, that most of his Places are such as were intended by the Authors concerning Absolute Monarchies, not regulated by Laws or Contracts betwixt the King and his People; and in Answer to all Authorities of this kind, were alledg'd certain Passages of a Speech from our late Sovereign King *James* to the Lords and Commons in Parliament, 1609.

In these our Times we are to distinguish betwixt the State of Kings in their first Original, and betwixt the State of settled Kings and Monarchs that do at this time govern in Civil Kingdoms, &c.

Every just King in a settled Kingdom, is bound to observe the Paction made to his People by his Laws, in framing his Government agreeable thereunto, &c.

All Kings that are not Tyrants or perjur'd, will be glad to bound themselves within the Limits of their Laws; and

and they that persuade them to the contrary are Vipers and Pests, both against them and the Commonwealth.

It was secondly observ'd, that in his first Sermon, p. 27. he cites these words, *Suarez de legibus, lib. 5. cap. 17. Acceptationem populi non esse conditionem necessariam ex vi Juris naturalis aut gentium, neque ex Jure communi*; the Jesuit adds, *Neque ex antiquo Jure Hispania*: which words are left out by the Doctor, lest the Reader might be invited to inquire what was *antiquum Jus Hispania*; and it might have been learn'd from another place of that Work, that about two hundred Years since, this Liberty was granted to the People by one of the Kings, that no Tribute should be impos'd without their Consent. And the Author adds further, that after the Law introduc'd and confirm'd by Custom, the King is bound to observe it. From this place he took occasion to make this short Digression, That the Kings of Spain being powerful and wise Princes, would never have parted with such a Mark of Absolute Royalty, if they had not found in this course more Advantage than in the other: and the Success and Prosperity of that Kingdom, thro the Valour and Industry of the Spanish Nation, so much advanc'd since that time, do manifest the Wisdom of that Change.

The third Observation of Fraud, in perverting his Authors, was this. In pag. 20. of the first Sermon, he cites these words out of the same *Suarez de legibus, lib. 5. c. 15. fol. 300. Tributa esse maxime naturalia, & præ se ferre Justitiam, quia exiguntur de rebus propriis*; this he produceth in proof of the just Right of Kings to lay Tributes. And no Man that reads it, doubts but that in *Suarez's* Opinion, the King's Interest and Propriety in the Goods of his Subjects, is the ground of that Justice; but the Truth is, that *Suarez* in that Chapter had distributed Tributes into divers kinds, of which he calls one sort *Tributum reale*, and describes it thus, *Solent ita vocari pensiones quadam quæ penduntur regibus & principibus exteris & agris, quæ à principio ad sustentationem illis applicata fuerunt, ipsi vero in feodum aliis ea donarunt sub certa pensione annua, quæ jure civili Canon appellari solet, quia certa regula & lege præscripta erat*. So that the Issue is, this which *Suarez* affirms for Justification of one kind of Tribute (which is no more than a Fee-farm of Rent due by Reservation in the Grant of the King's own Lands) the Doctor herein, worse than a Jesuit, doth

doth wrest to the justification of all kinds of Tribute exacted by Imposition upon the Goods of the Subjects, wherein the King had no Interest or Propriety at all.

4. The last Aggravation was drawn from his Behaviour since these Sermons preach'd, whereby he did continue still to multiply and increase his Offence; yea, even since the sitting of the Parliament, and his being question'd in Parliament. Upon the fourth of *May* last he was so bold, as to publish the same Doctrine in his own Parish-Church of *St. Giles*; the Points of which Sermons are these:

"That the King had Right to order all, as to him
"should seem good, without any man's Consent.

"That the King might require, in time of necessity,
"Aid; and if the Subjects did not supply, the King might
"justly avenge it.

"That the Propriety of Estates and Goods was ordinarily in the Subject; but extraordinarily (that is, in
"case of the King's need) the King hath Right to dispose them."

These Assertions in that Sermon, he said, would be prov'd by very good Testimony; and therefore desir'd the Lords it might be carefully examin'd, because the Commons held it to be a great contempt to the Parliament for him to maintain that so publickly, which was here question'd.

They held it a great Presumption for a private Divine to debate the Right and Power of the King; which is a matter of such a nature, as to be handled only in this High Court, and that with Moderation and Tenderness. And so he concluded that Point of Aggravation.

In the last place he produc'd some such Precedents as might testify what the Opinion of our Ancestors would have been, if this Case had fallen out in their time; and herein, he said, he would confine himself to the Reigns of the first three *Edwards*, two of them Princes of great Glory. He began with the Eldest, *Westm. 1. cap. 33.*

By this Statute, 3 *Edm. 1.* provision was made against those who should tell any false News or Device, by which any Discord or Scandal may arise betwixt the King, his People, and the Great Men of the Kingdom.

27 *Edm. 3. Rot. Parl. n. 20.* It was declar'd by the King's Proclamation, sent into all the Counties of *England*, That they that reported that he would not observe the Great Charter, were malicious People, who desir'd to put trouble and

and debate betwixt the King and his Subjects, and to disturb the peace and good estate of the King, the People, and the Realm.

5 *Edw. 2. Inter novas ordinationes.* Henry de Beaumont, for giving the King ill Counsel against his Oath, was put from the Council, and restrain'd from coming into the presence of the King, under pain of Confiscation and Banishment.

19 *Edw. 2. Clause Minidors.* Commissions were granted to inquire upon the Statute of *W. 1.* touching the spreading of News, whereby Discord and Scandal might grow betwixt the King and his People.

10 *Edw. 3. Clause M. 26.* Proclamation went out to arrest all them who had presum'd to report, that the King would lay upon the Wools certain Sums besides the antient and due Customs; where the King calls these Reports, *Exquisita mendacia, &c. quæ non tantum in publicam læsionem, sed in nostrum cedunt damnum & dedecus manifestum.*

12 *Edw. 3. Rot. Almanica.* The King writes to the Archbishop of Canterbury, excusing himself for some Impositions which he had laid, professing his great sorrow for it, desires the Archbishop by Indulgences and other ways to stir up the People to pray for him; hoping that God would enable him by some satisfactory Benefit to make amends, and comfort his Subjects for those Pressures.

To these temporal Precedents of antient times which were alledg'd, he added an Ecclesiastical Precedent out of a Book call'd *Pupilla Oculi*, being publish'd for the Instruction of Confessors. In the Title *de Participantibus cum excommunicatis*, fol. 59. all the Articles of *Magna Charta* are inserted with this Direction, *Hos articulos ignorare non debent quibus incumbit confessiones audire infra Provinciam Cantuariensem.*

He likewise remember'd the Proclamation 8 *Jac.* for the calling in and burning of Dr. Cowel's Book, for which these Reasons are given: For mistaking the true State of the Parliament of the Kingdom, and fundamental Constitution and Privileges thereof: For speaking irreverently of the Common Law; it being a thing utterly unlawful for any Subject to speak or write against that Law under which he liveth, and which we are sworn and resolve to maintain.

From these Precedents he collected, That if former Parliaments were so careful of false Rumours and News, they would

would have been much more tender of such Doctrines as these, which might produce true occasions of Discord betwixt the King and his People.

If those who reported the King wou'd lay Impositions, and break his Laws, were thought such heinous Offenders, how much more shou'd this Man be condemn'd, who persuaded the King he is not bound to keep those Laws? If that great King was so far from challenging any right in this kind, that he profess'd his own Sorrow and Repentance for grieving his Subjects with unlawful Charges: If Confessors were enjoin'd to frame the Consciences of the People to the observance of these Laws, certainly such Doctrine, and such a Preacher as this, wou'd have been held most strange and abominable in all these times!

The third general Part was the Conclusion or Prayer of the Commons, which consisted of three Clauses.

First, They reserv'd to themselves liberty of any other Accusation; and for this, he said, there was great reason, That as the Doctor multiply'd his Offences, so they may renew their Accusations.

Secondly, They save to themselves liberty of replying to his Answer; for they had great Cause to think that he who wou'd shift so much in offending, wou'd shift much more in answering.

Thirdly, They desire he might be brought to Examination and Judgment; this they thought wou'd be very important for the Comfort of the present Age, for the Security of the future against such wicked and malicious Practices: and so he concluded, That seeing the Cause had strength enough to maintain it self, his humble Suit to their Lordships was, That they wou'd not observe his Infirmities and Defects, to the diminution or prejudice of that Strength.

Not long after the Commons, by their Speaker, demanded Judgment of the Lords against the Doctor; who not accounting his Submission with Tears and Grief a Satisfaction for the great Offence wherewith he stood charg'd, gave this Sentence.

1. That Dr. *Manwaring*, Doctor in Divinity, shall be imprison'd during the pleasure of the House.

2. That he be fin'd One Thousand Pounds to the King.

3. That

3. That he shall make such Submission and Acknowledgment of his Offences, as shall be set down by a Committee in writing, both at the Bar, and in the House of Commons.

4. That he shall be suspended, for the Term of Three Years, from the exercise of the Ministry, and in the meantime a sufficient preaching Minister shall be provided out of his Livings to serve the Cure : This Suspension and Provision to be done by the Ecclesiastical Jurisdiction.

5. That he shall be hereafter disabled to have any Ecclesiastical Dignity, or Secular Office.

6. That he shall be for ever disabled to preach at the Court hereafter.

7. That his said Book is worthy to be burnt ; and that for the better effecting of this, his Majesty may be mov'd to grant a Proclamation to call in the said Books, that they may be all burnt accordingly in *London*, and both the Universities, and for the inhibiting the Printing thereof, upon a great Penalty.

*Dr. Manwaring's Submission was in these Words,
[which may also serve for Dr. Sacheverell.]*

MAY it please this Honourable House, I do here in all Sorrow of Heart, and true Repentance, acknowledge the many Errors and Indiscretions which I have committed, in preaching and publishing those two Sermons of mine, which I call'd *Religion and Allegiance*; and my great Fault in falling upon this Theme again, and handling the same rashly and unadvisedly in my own Parish-Church of *St. Giles's in the Fields*, the fourth of *May* last past. I do humbly acknowledg those three Sermons to have been full of many dangerous Passages, Inferences, and scandalous Aspersions in most part of the same : And I do humbly acknowledg the Justice of this Honourable House, in that Judgment and Sentence past upon me for my great Offence : And I do from the bottom of my Heart crave Pardon of God, the King, and this Honourable House, and the Church, and this Commonwealth in general, and those worthy Persons adjudg'd to be reflected upon by me in particular, for these great Errors and Offences.

Roger Manwaring.



F I N I S.